

IN THE UNITED STATES DISTRICT CIRCUIT
FOR THE DISTRICT OF HAWAI'I

COUNTY OF MAUI, DEPARTMENT
OF ENVIRONMENTAL
MANAGEMENT,

Plaintiff,

v.

KOMAR MAUI PROPERTIES I LLC,

Defendant

CIVIL NO. CV 24-00203 MWJS-KJM

**AFFIDAVIT OF SAGE
KIYONAGA**

STATE OF HAWAII)
)
) SS.
COUNTY OF MAUI)

SAGE KIYONAGA, being first duly sworn under oath, deposes and says:

1. I make this affidavit upon personal knowledge and am competent to testify to the matter stated herein.

2. I have been employed with the County of Maui since 2015. I am currently working as a Civil Engineer VI, in the Department of Environmental Management, Solid Waste Division and I have held this position since 2020. As such, part of my responsibilities include planning, engineering, compliance, and administration of the County's landfill operations.

3. The Department of Environmental Management (“DEM”) oversees and operates the disposition of residential and commercial refuse at several landfills across the County.

4. The Central Maui Landfill (“CML”) is a Resource Conservation and Recovery Act Subtitle D Facility and is permitted to receive non-hazardous municipal solid waste from commercial and residential sources on Maui.

5. The County of Maui started planning CML’s expansion in 1996.

6. Attached as Exhibit “C” is a true and correct copy of the overall site plan for CML, schematically illustrating six phases of development. Phases I and II were operational from 1987 through November 2005, and were closed and capped in 2006-2007. The following landfill areas have been incrementally developed and are currently active: Phase IV-A, Phase IV-B, Phase V-A, and Phase V-B, Phase V-B Extension, and Phase III-A. Phase III-B is currently in construction and is anticipated to be in service in 2024. Phase VI will be the next phase developed and is estimated to be needed by 2028 to ensure continuity of solid waste services for the island of Maui and pursuant to the CML’s Master Plan.

7. The then Department of Public Works and Waste Management determined that it would be best to use the land adjacent to CML for its Phase VI expansion.

8. Phases IV, V, and future Phase VI are located in an exhausted rock quarry.

9. The County and Alexander & Baldwin, Inc. worked together in Central Maui Sanitary Landfill Subdivision (Subdivision File No. 3.2203) that created Lot 1-B of the Central Maui Sanitary Landfill Subdivision, identified as Tax Map Key No. (2) 3-8-3-20 (the "Property"). A true and correct copy of Subdivision File No. 3.2203 is attached as Exhibit "D"

10. Since the Property was purchased by Komar Maui Properties I LLC ("Komar") in 2017, DEM made several attempts to purchase the Property, but these attempts have been unsuccessful.

11. Attached as Exhibit "E" is a true and correct copy of the Fourth Amendment to Land Use Commission Special Use Permit No. SP97-390: approximately 11 acres are used for entrance and other ancillary facilities, approximately 18 acres were developed for disposal facilities in Phase IV, approximately 19 acres have been developed for disposal facilities in Phases V-A and V-B, approximately 5 acres were developed for Phase V-B Extension, approximately 19 acres are being developed for disposal facilities in Phase III, and approximately 16 acres will be developed for disposal facilities in Phase VI.

12. Attached as Exhibit "F" is a true and correct copy of a recent aerial image of CML with each phase identified.

13. The current available disposal capacity of CML is less than three months to capacity, without including the wildfire debris. The wildfire debris is a significant volume and estimated to use two years' worth of airspace⁵ at CML.

14. Attached as Exhibit "G" is a true and correct copy of Solid Waste Management Permit No. LF-0074-13 issued on August 26, 2021. Pursuant to this permit, the County is required by the State of Hawai'i to explain how it will obtain additional disposal capacity in the event the CML's capacity falls below ten years of storage.

15. The Solid Waste Management Permit No. LF-0074-13 also requires the County to have an 80-foot buffer area between the adjacent property and landfilled solid waste in CML's Phase V along the boundary with the Property. The need for this buffer area could be eliminated if the County acquires the Property, allowing the DEM to utilize that area for disposal.

16. DEM estimates that it will require at least 709,000 cubic yards of storage capacity in order to safely contain wildfire debris: 512,000 cy of total debris and demolition waste to close the TDS, plus 123,000 cy of operational daily and intermediate cover soil, and 74,000 cy for the Leachate Collection and Removal System.

⁵ "Airspace" is a solid Waste Industry term meaning the estimated volume available to receive waste, typically represented in cubic yards.

17. DEM estimates that approximately 12 acres of land area in the Property would be needed to accommodate the 709,000 cy of wildfire debris, and two more acres will be needed for access and infrastructure.

18. The remainder of the Property not utilized for wildfire debris will accommodate DEM's solid waste needs, providing the County with an additional estimated five years of landfill use, in compliance with the State of Hawai'i's Solid Waste Management Permit No. LF-0074-13.

19. Transition between the TDS and CML will be ready to occur at the beginning of 2025. DEM needs to design and build the needed facilities in order to be ready to start receiving TDS debris by early 2025.

FURTHER AFFIANT SAYETH NAUGHT.

DATED: Wailuku, Maui, Hawai'i, June 7, 2024.



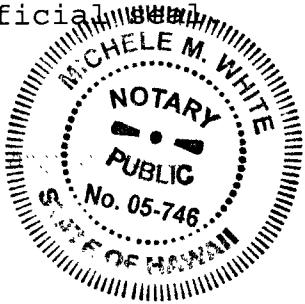
SAGE KIYONAGA

A handwritten signature in black ink, appearing to read "SAGE KIYONAGA". The signature is somewhat stylized and includes a large, circular flourish above the name.

STATE OF Hawaii)
County of Maui)
) SS.

On this 7th day of June, 2024, before me personally appeared Sage Kiyonaga, to me personally known, who, being by me duly sworn or affirmed, did say that such person executed the foregoing instrument as the free act and deed of such person, and if applicable, in the capacity shown, having been duly authorized to execute such instrument in such capacity.

IN WITNESS WHEREOF, I have hereunto set my hand and official seal.



Michele M. White
Notary Public, State of Hawaii

Print Name: Michele M. White

My Commission Expires: 11-27-2025

NOTARY PUBLIC CERTIFICATION

Doc. Date: June 7, 2024 # Pages: _____

Notary Name: Michele M. White Judicial Circuit: Second

Document Description: Affidavit of

Sage Kiyonaga

Notary Signature: Michele M. White

Date: June 7, 2024

